

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

SELECTIVE INSURANCE COMPANY §
OF SOUTH CAROLINA §
§
V. § CIVIL ACTION NO. G-14-110
§
ICI CONSTRUCTION, INC., ET AL. §

ORDER ADOPTING
REPORT AND RECOMMENDATION

In a Report and Recommendation dated March 13, 2015, Magistrate Judge Froeschner recommended that the Motion for Summary Judgment of Plaintiff, Selective Insurance Company of South Carolina (Selective) be granted and the competing Motion for Summary Judgment of Defendant, ICI Construction, Inc. (ICI), be denied. Judge Froeschner set March 27, 2015, as the deadline for the filing of objections, but, to date, none have been filed by any Party. The Report and Recommendation is, therefore, ripe for the Court's consideration.

After appropriate review under 28 U.S.C. § 636(b)(1)(C), this Court finds that Judge Froeschner did not clearly err or act contrary to law in finding that Selective has no duty to defend ICI in related state court litigation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that:

- 1) the Report and Recommendation (Instrument no. 24) of Magistrate Judge Froeschner is **APPROVED** and **ADOPTED** by this Court;

- 2) the Motion for Summary Judgment of Defendant, ICI Construction, Inc. (Instrument no. 13), seeking a defense by Selective is **DENIED**;
 - 3) Selective’s “Motion for Summary Judgment Regarding Its Duty to Defend Defendant, ICI Construction, Inc.” (Instrument no. 14), is **GRANTED**; and
 - 4) Selective **DOES NOT** owe ICI Construction, Inc., a duty to defend in the pending related state court litigation.

DONE at Galveston, Texas, this 9th day of April, 2015.



Gregg Costa
United States Circuit Judge
(Sitting by Designation)